

## **MCA 75-5-302. Revising classifications in accordance with existing, present, and future most beneficial uses of water bodies.**

When the board or department is presented with facts indicating that a body of water is not properly classified in accordance with its existing, present, and future most beneficial uses, the department shall, within 90 days, evaluate the facts and advise the board whether the water body is not properly classified. If the board determines that the water body is not properly classified, the board shall initiate rulemaking to properly classify the water body in accordance with its existing, present, and future most beneficial uses.

# **MCA 75-5-222. State regulation for natural conditions.**

(2) (a) For water bodies where the standard is more stringent than the condition of the water body but subsection (1) is not applicable, the board shall adopt rules consistent with comparable federal rules and guidelines providing criteria and procedures for the department to issue variances from standards if:

- (i) the condition cannot reasonably be expected to be remediated during the permit term for which the application for variance has been received; and

- (ii) the discharge to which the variance applies would not materially contribute to the condition.

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